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June 21, 2023

By ECF

The Honorable Gabriel W. Gorenstein
United States Magistrate Judge
Southern District of New York
500 Pearl Street, Courtroom 6B
New York, New York 10007-1312

MEMORANDUM ENDORSED

Re: Marc Restellini v. The Wildenstein Plattner Institute, Inc.
20 Civ. 4388 (AT) (GWG)

Dear Judge Gorenstein:

This firm represents Plaintiff Marc Restellini (“Restellini”).

We respectfully submit this letter to seek an Order pursuant to Rule 502 of the Federal Rules of Evidence with respect to one document that has been identified in discovery. The document bears Bates number MR 10266 (the “Subject Document”). It is a one-page document consisting of a string of two e-mails.

Restellini asserts in good faith and non-frivolously that the Subject Document is immune from discovery because it is protected by the attorney-client privilege. Defendants disagree with Restellini’s assertion. The parties have met and conferred regarding the Subject Document and are at an impasse regarding whether it is properly withheld from production by Restellini.

The parties wish to avoid time-consuming litigation over the Subject Document.

Accordingly, the parties jointly seek an order, pursuant to Rule 502(d), that production of the Subject Document shall not be deemed a waiver, in this action or in any other state or federal proceeding, of any applicable privilege or protection with respect to the Subject Document or the subject matter of Subject Document.

Based on my communications with William L. Charron and Daniel V. Derby, I can represent that Defendants The Wildenstein Plattner Institute, Inc., and Fonds Wildenstein Plattner Institute France consent to the relief requested in this letter.

The Honorable Gabriel W. Gorenstein
June 21, 2023
Page 2

The parties are available at the Court's convenience if it is necessary to discuss this matter further.

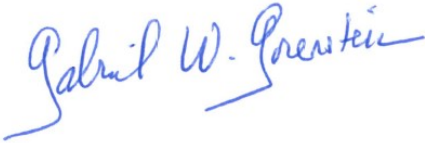
Respectfully submitted,

/s/

Daniel W. Levy

Cc: All counsel (by ECF)

SO ORDERED:



The Honorable Gabriel W. Gorenstein
United States Magistrate Judge

June 21, 2023